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SUBJECT: OBASANJO APPOINTS NEW SUPREME COURT JUSTICES

CLASSIFIED BY COUNSELOR JAMES MAXSTADT, FOR REASONS 1.5 B AND  
[1D](#).

[11](#). (U) President Obasanjo named two new justices to Nigeria's Supreme Court in a letter to the Senate on 9 February. These appointments were recommended to him by the National Judicial Council (NJC) on 27 November, 2003.

[12](#). (U) The first appointee is George Adesola Oguntade, a judge on the Federal Appeals Court. Oguntade, a Yoruba, was the senior judge in line for this appointment in Nigeria's seniority-based system. He is also currently sitting on the panel for ANPP presidential candidate Muhammadu Buhari's election tribunal. It is expected that he will be replaced by another Yoruba and his transfer should not delay the case.

[13](#). (U) The second appointee is Sunday Akiola Akiotu, also sitting on the Federal Appeals Court. Akiotu is also a Yoruba, but is junior to many other Appeals Court judges in line.

[14](#). (C) COMMENT: Oguntade's appointment is seen by his Federal Court colleagues as a timely and well-deserved promotion, and has their full support. Opinion is split on how the appointment will affect the Buhari election suit. Some see Oguntade as one of two pro-Obasanjo judges on the five-judge Appeals Court panel trying the case. Others say Oguntade might have been less-than-sympathetic to Obasanjo and was booted upstairs for that reason. The Supreme Court is the next stop in that case, if the Appeals Court finds for Buhari or sends it up without comment. Predictably, some Nigerians are more concerned over the appointment of two Yorubas to the Supreme Court at the same time, especially since the justices they replaced were from other zones in Nigeria.  
ROBERTS